IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6185 of 1995

with

CIVIL APPLICATION No 10585 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

P J RATHOD

Versus

STATE OF GUJARAT

Appearance:

MR NV ANJARIA for Petitioner

M/S PATEL ADVOCATES for Respondent No. 1

MR AMIT M PANCHAL for Respondent No. 2

NOTICE SERVED for Respondent No. 3, 4, 5

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 22/11/2000

ORAL JUDGEMENT

In paragraph 13(A) of the petition, the petitioner has prayed for quashing and setting aside the order of suspension cum transfer dated 16.7.1995 at annexure "B" as well as two other connected orders dated 16.7.1995 at annexure "C" to the petition wherein rule has been issued by this court on 15.11.1995 and it was made returnable on April 8, 1996 and interim relief was also granted.

Thereafter, the present civil application has been filed by the applicant original petitioner contending that because of the suspension order which has been cancelled now by the respondents, the question has arisen for regularizing the period of suspension of the petitioner in light of the fact that the suspension order has been cancelled by the respondents and the petitioner has been reinstated in service. It is submitted by the applicant petitioner that the departmental inquiry is yet pending against the petitioner and the respondents are required to complete the same within some reasonable period because it was initiated upon show cause notice dated 17th February 1995.

Considering the averments made in this civil application as well as the facts and circumstances of the case, as per my view, the respondents are required to be directed to complete the departmental inquiry pending against the petitioner within some reasonable period and to regularize the period of suspension in accordance with the rules and regulations.

In view of these facts and circumstances of the case, it is directed to the respondent NO. 2 to complete the departmental inquiry pending against the petitioner in accordance with law within three months from the date on which the copy of the order is served upon the respondents. It is further directed that after completion of the departmental inquiry against the petitioner-applicant, the respondent NO.2 shall pass appropriate orders in respect of regularizing the period of suspension and regularizing the service of the applicant petitioner in accordance with rules and regulations of the respondent department.

In view of these directions, this petition as well as the aforesaid civil application shall stand disposed of. Rule issued in the main matter shall stand discharged with no order as to costs. There shall also

no order as to costs in so far as the aforesaid civil application is concerned.

Dt.22.11.2000. (H.K. Rathod,J.)

Vyas